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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,577	11/14/2001	Greg E. Blonder	13558-5	9892

7590 10/17/2003

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EXAMINER

GOODWIN, JEANNE M

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,577

Applicant(s)

BLONDER

Examiner

Jeanne-Marguerite Goodwin

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HAK

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-10 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,307,813 to Leggio [hereinafter Leggio].

Leggio discloses a timepiece/watch comprising a display face (12) for displaying a message indicative of approximate time on indicating means (14) (LED or LCD visible means), a means (13) behind the face (12) for keeping the exact time, a microprocessor chip is used to generate or select the conversational terms appropriate for the approximate time displayed at various time intervals, and a actuating means (16), wherein it is possible for the timepiece to indicated the time continuously, as with a conventional timepiece, or to only indicate the time when the actuating means (16) is actuated, wherein when the actuating means (16) is actuated (for e.g., by depression of an actuating switch/mode switch), the time will be displayed for a predetermined interval (e.g., 15-30 seconds) or spoken once. Furthermore, Leggio discloses display elements (A) and (B) a message, e.g., "it's about", "it's exactly", etc. and display elements (C) and (D) a digital hour, e.g., one o'clock, two o'clock", etc. (see Table I), wherein the digital hour of Leggio's device appears to be approximately in the center of the face (12). Moreover, Leggio teaches that different time intervals may be used, and, indeed, the words and phrases used to describe or modify each time interval may be varied. Also, the timepiece may have a replaceable indicating means (14) so that the language of the conversational terms, whether

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displayed or spoken, may be varied from one linguistic area to another. Leggio discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 1, i.e., the approximate time taken over an interval of at least five minutes; and the limitation stated in claim 7, i.e., the digital hour is displayed in a large size font than the message.

With respect to the limitation stated in claim 1: the limitations in this claim, absent any criticality, is only considered to be the “optimum” value of the approximate time taken over a time interval disclosed by Leggio, as stated above, that a person having ordinary skill in the art would have been able to determine using routine experimentation based, among other things, on the desired accuracy, manufacturing costs, etc. See In re Boesch, 205 USPQ 215 (CCPA 1980).

With respect to the limitation stated in claim 7: Official Notice is taken since it would have been an obvious matter of design choice to make the digital hour a larger size font than the message, since such a modification would have involved a mere change in the size of the display element. A change in size is generally recognized as being within the level of ordinary skill in the art. See *In re Rose*, 105 USPQ 237 (CCPA 1955).

Response to Arguments

3. Applicant's arguments filed July 25, 2003 have been fully considered but they are not persuasive. Contrary to applicant's belief, the prior art of record, i.e., Leggio, does in fact disclose a digital hour (C and D), e.g., four o'clock, etc., and a digital message (A and B), e.g., it's approximately, it's exactly, etc., on the face of the device (see Fig. 1).

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Conclusion


4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (703) 305-0264. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JMG
Oct. 15, 2003


RANDY GIBSON
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2800